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say that Mr. Kelke would have performed a greater service for his profession if he had compiled a careful index to White and Tudor's cases. In this age of the digest a text-book which is not scientific in its treatment is a superfluity, and the author of this book has not made clear its justification. It has its good points—notably, very clear statements of many decisions—but how it can be of much aid to a beginner, a hope which its preface expresses, is not obvious. Mr. Kelke's method is largely that of enumeration, which is always cumbersome and unsatisfactory; and any usefulness the book might have in this country is decreased by the fact that many of the cases are discussed in relation to the Judicature Act and other English statutes. The book is also handicapped very greatly by an irritating use of abbreviations and an omission of words, unparalleled save in the other epitomes and in the conversation of the late Mr. Jingle.

FALSTAFF AND EQUITY: AN INTERPRETATION. By Charles E. Phelps. Cambridge: Houghton, Mifflin & Co. 1901. pp. xvi, 201.

This little volume, by the learned Baltimore judge whose name it bears, justifies its place in the lawyer's library as well as on the shelf of the student of Shakespere. It is a somewhat elaborate note on Falstaff's exclamation: "An the Prince and Poins be not two arrant cowards, there's no equity stirring" (1 Henry IV; Act II, Sc. 2), showing very clearly, as it seems to the writer, that the term equity was employed by the fat knight in the lawyer's and not the layman's sense of the term. It is a relief to find that "that old white-bearded satan" was not guilty of giving the Gadshill incident such a flat conclusion as the common interpretation of his words has fastened upon him. It is certainly easier to believe, as our author argues, that the words represent a "gag" having reference to the stir which certain notorious equity cases and the high-handed proceedings of Lord Chancellor Ellesmere were at the time creating, than that they have the merely conventional meaning, "there's no justice in the world." For the lawyer, the value of the little book lies in its spirited description of the bitter conflict between the law courts and Chancery and of the way in which justice was administered in the roaring times of Ellesmere, Coke and Popham.

That the commentary is a little too long drawn out would be a graver fault if the commentator had a less animated style; but animation of style is a doubtful virtue when it leads to such excesses as the unclassical phrases, "catch on to his [Falstaff's] curves" (p. 6), "msgacephalic deliverance" (p. 78), and "lug in by the ears some 'forged quaint conceit'" (p. 150). In doubtful taste, also, and of more than doubtful value, is the egregiously flattering introduction from the hand of the Judge's Boston friend.

COMMENTARIES ON THE LAW OF NEGLIGENCE IN ALL RELATIONS. By Seymour D. Thompson, LL. D. Indianapolis: The Bowen-Merrill Company. 1901. pp. li, 1134.

In the second volume of his encyclopædic work, the learned author continues the majestic course, outlined in the preface to the first volume. Railway Negligence is the chief theme here, and that is not concluded; so much of it as relates to carriers of passengers, and to master and servant being reserved for later instalments of these commentaries.

Title ten, with which this volume opens, is devoted to Street Railway Negligence; title eleven, to Injuries to Travelers at Highway Crossings of Steam Railways; title twelve, to Railway Injuries at other Places than Highway Crossings; title thirteen, to Other Personal Injuries in Railway Operation; title fourteen, to Railway Injuries to Animals; and title fifteen, to Railway Fires. It is apparent from this enumeration of topics, that the discussion of Negligence in the present volume does not proceed in accordance with any logical plan. The author strives to be practical rather than scientific. His arrangement enables him to digest decisions and group them under appropriate subheads, with the least effort to himself and to the greatest convenience of the practicing lawyer, but it renders impossible a philosophical presentation of his subject.

That the volume goes far afield of the law of negligence, is frankly confessed, from time to time, in the text. For example, after devoting a couple of pages to the manner in which street railways may acquire the legal right to occupy streets, the author remarks that, notwithstanding the importance of this topic, it lies outside the scope of this work, and he "will content himself by referring to a number of modern cases which have come under his eye, speaking both ways upon the question, under particular facts and circumstances."

It is not to be inferred from these remarks that the author is without fixed opinions upon disputed points, or that he shrinks from expressing them. If the reader has drawn any such inference, let him correct it by perusing the chapter devoted to injuries to children trespassing upon railway tracks or premises, which opens with this sentence: "The doctrine now about to be considered forms a very disgraceful chapter in American jurisprudence."

The lack of logical arrangement already referred to is again displayed by title sixteen, in which the negligence of telegraph companies is fully presented. Why this topic is interposed here, in the midst of a discussion of railway negligence, it is difficult to understand, unless it be that the title chanced to embrace a sufficient number of pages to fill out the volume.

With all its faults of arrangement and of exuberance of information, if there are any such faults, the volume must be accounted an important contribution to legal literature and a most valuable work to the practicing lawyer.

LAW OF REAL PROPERTY. By Charles T. Boone. Second Edition. San Francisco: Bancroft-Whitney Co. 1901. 3 vols. pp. xxvii, 612; 631; xiii, 651.

The revision of Boone's Real Property, which comes to us in